

Timothy W. Arthur

535 Brockington Rd
Darlington, SC 29532
Plaintiff,

vs.

Department of Veterans Affairs

VA Regional Office
Veteran Readiness & Employment
6437 Garners Ferry Road
Columbia, SC 29209

and

Nancy Williams

VA Regional Office
Veteran Readiness & Employment
6437 Garners Ferry Road
Columbia, SC 29209
Defendants.

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CIVIL ACTION NO. [Case Number (leave blank for court to fill in)]

COMPLAINT

INTRODUCTION

This is an action for violations of veterans' rights under federal law, brought by Plaintiff Timothy W. Arthur against Defendants Department of Veterans Affairs and Nancy Williams.

JURISDICTION AND VENUE

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this case arises under the laws of the United States.

Venue is proper in this District under 28 U.S.C. § 1391, because the events giving rise to the claim occurred in this District, and the Defendants reside or do business in this District.

PARTIES

Plaintiff Timothy W. Arthur is an individual residing at 535 Brockington Rd, Darlington, SC 29532.

Defendant Department of Veterans Affairs is a federal agency with its principal place of business at 6437 Garners Ferry Road, Columbia, SC 29209.

Defendant Nancy Williams is a Vocational Rehabilitation Counselor with the VA, with a business address at 6437 Garners Ferry Road, Columbia, SC 29209.

FACTUAL ALLEGATIONS

Plaintiff Timothy W. Arthur has been a dedicated service member with service-connected disabilities.

Plaintiff applied for vocational rehabilitation and employment (VR&E) benefits to pursue flight training and was accepted into a flight school.

Despite Plaintiff's acceptance into the flight school, the VA, under the supervision of Defendant Nancy Williams, refused to process and approve his training until he provided legal documents proving his acquittal on federal mail fraud charges.

The request for personal legal documents was inappropriate and irrelevant to the approval process for flight training as outlined by the Code of Federal Regulations (CFR).

According to 38 U.S.C. § 3115 and 38 CFR § 21.294, the decision to approve a training facility, course, or program should be based on specific laws and regulations.

The request for documentation related to legal charges, particularly when those charges do not impact eligibility for federal employment or training, constitutes an overreach of authority and a violation of Plaintiff's rights under the VR&E program.

CLAIMS FOR RELIEF

COUNT I: Violation of Veterans' Rights Under Federal Law

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 6 as though fully set forth herein.

The VA's refusal to process and approve Plaintiff's training based on unrelated legal documentation is a violation of 38 U.S.C. § 3115 and 38 CFR § 21.294.

As a result of Defendants' actions, Plaintiff has suffered significant delays and hindrance in his vocational rehabilitation process.

COUNT II: Administrative Procedure Act (APA) Violations

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 6 as though fully set forth herein.

The VA's actions were arbitrary, capricious, an abuse of discretion, and not in accordance with the law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706.

As a result of Defendants' actions, Plaintiff has suffered significant delays and hindrance in his vocational rehabilitation process.

COUNT III: Due Process Violations

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 6 as though fully set forth herein.

The VA's demand for unnecessary legal documentation deprived Plaintiff of his right to benefits without due process of law, in violation of the Fifth Amendment.

As a result of Defendants' actions, Plaintiff has suffered significant delays and hindrance in his vocational rehabilitation process.

COUNT IV: Negligence or Maladministration

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 6 as though fully set forth herein.

Defendants' failure to properly administer the VR&E program and causing undue delays in the approval process constitutes negligence or maladministration.

As a result of Defendants' actions, Plaintiff has suffered significant delays and hindrance in his vocational rehabilitation process.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants as follows:

- A. Awarding Plaintiff compensatory damages in an amount of \$500,000 to be determined at trial;
- B. Awarding Plaintiff pre- and post-judgment interest; C. Awarding Plaintiff reasonable attorneys' fees and costs; D. Granting such other and further relief as the Court deems just and proper.

DATED this [date] day of [month], [year].

Respectfully submitted,


Timothy W. Arthur

535 Brockington Rd

Darlington, SC 29532

Plaintiff

Attachments:

VR&E Case Notes

Acceptance Letter from Flight School

Correspondence with VA and Nancy Williams